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9
 10 UNITED STATES DISTRICT COURT
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 12 NORTHERN DISTRICT OF CALIFORNIA
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 14 SAN FRANCISCO DIVISION
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17 IN RE: UBER TECHNOLOGIES, INC.
 18 PASSENGER SEXUAL ASSAULT
 19 LITIGATION

20 This Document Relates to:

21 K.C. v. Uber Technologies, Inc., et al., No.
 22 3:25-cv-05720-CRB

23 Case No. 3:23-md-03084-CRB

24 **PLAINTIFF'S SUPPLEMENTAL
 25 RESPONSE TO DEFENDANTS UBER
 26 TECHNOLOGIES, INC., RASIER, LLC, AND
 27 RASIER-CA, LLC'S MOTION TO DISMISS
 28 CASES FOR FAILURE TO COMPLY WITH
 COURT ORDER**

29 Judge: Hon. Charles R. Breyer
 30 Courtroom: 6 – 17th Floor

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 32 **I. INTRODUCTION**

33 On September 26, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file
 34 a Plaintiff Fact Sheet (“PFS”) in connection with Pretrial Order (“PTO”) 10. (Doc. 3493). Counsel
 35 acknowledges and understands that under PTO 10, the Court created procedures and deadlines to
 36 produce a PFS. Counsel has and continues to diligently comply with discovery obligations. Plaintiffs
 37 can become unavailable for a variety of reasons during litigation, especially when said Plaintiff is the
 38 survivor of a sexual assault. On October 13, 2025, Counsel was able to produce Plaintiff K.C.’s
 39 substantially complete PFS and it was appropriately served via the MDL Centrality platform.

II. ARGUMENT

a. Plaintiff K.C. v. Uber Technologies, Inc., et al., No. 3:25-cv-05720-CRB should not be dismissed.

Counsel has produced a PFS for K.C. and their claim should therefore be removed from consideration of Defendant's Motion, rendering their inclusion moot in lieu of PTO 10.

b. The Court should not dismiss this case with prejudice.

In the event the Court is inclined to grant Uber's Motion to Dismiss, it cannot dismiss with prejudice in this context. Dismissing with prejudice goes against the *Malone* factors as discussed by Uber and other Plaintiffs' firms in response to the Motion to Dismiss. Here, Plaintiffs state the quiet out loud: dismissing with prejudice is premature as these are survivors of sexual assault speaking out against one of the largest corporations on the planet. While the appropriate safeguards to discovery must be followed for the truth-seeking process, the practical reality is that these humans have suffered grave harm but are not part of the current bellwether trial. There is no real prejudice to Uber that warrants dismissal with prejudice. Meanwhile, the process of producing a PFS is a multifaceted task that requires a survivor to confront their traumatizing experience head on and it is often uncomfortable and overwhelming. Nonetheless, Counsel was able to produce Plaintiff K.C.'s PFS.

III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request this Court DENY Uber's Motion to Dismiss as procedurally improper. In the alternative, counsel requests the Plaintiff K.C. be removed from Defendant's Motion to Dismiss as having fulfilled their obligation under PTO 10.

1 Dated: October 13, 2025

Respectfully submitted,

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3 */s/ Sommer D. Luther*
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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: October 13, 2025

/s/ Sommer D. Luther
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7 **[X] BY ELECTRONIC TRANSMISSION ONLY:** By emailing the document(s) to the persons at
8 the email address(es) listed above. No electronic message or other indication that the transmission
9 was unsuccessful was received within a reasonable time after the transmission.

10 I declare under penalty of perjury under the laws of the State of California that the above is true and
11 correct.

12 Executed October 13, 2025 in Denver, Colorado.

13 /s/ Theresa Fryan

14 Theresa Fryan
15 Paralegal